



## **State Board of Health Presentation in March 2004 Overview of Changes to WAC 246 Water Recreation Facilities**

This section will provide an overview of regulation changes, rationale for reorganization, and the major anticipated issues that may hold public interest.

This revision to the regulation was directed to accomplish several tasks:

- Work to prioritize the vital health components needed in regulation and move out items that can be covered in guidance or other formats.
- Ensure the rules are readable and well organized for users of the regulations.
- Modify the regulations in relation to the new changes that promote innovation and safety.

The regulation has a markedly different look to it. There has been a major reorganization to allow the major users of the regulation to easily find the parts of the rule that apply to them.

- A person that is going to design or build a pool will be directed to the design and construction section of the regulation that has sections dealing with construction permits, and to design and construction sections for each particular type of pool. The design and construction section also consolidates common items that relate to all types of pool construction, followed by specific design requirements for a particular kind of pool. The section ends with provisions for specialty types of designs that may be considered by the pool industry.
- A pool owner, manager, or operator can go to the pool operation section and find information on operating permits, water quality, monitoring requirements, and general operational requirements all within one major subsection of the regulation.
- Specific requirements relating to compliance, advisory committee, variances, enforcement, hearings, etc., are consolidated into a final administrative section.

While there are many changes to the regulation, there are three major issues which we have identified as having the greatest impact on the owners and operators of the pool facilities. The three issues under discussion relate to lifeguarding requirements, barrier protection [e.g. fencing] and emergency shut-off switches for single main drain pools.

- Since the regulations were last passed in 1990, there has been controversy about the lifeguarding requirements related to private clubs [particularly athletic or health clubs]. Private clubs are represented on our Task Force, and provided input during the development process. The outcome has been to selectively require lifeguarding of pools based on the age of the users at private clubs. We have removed a distinction of guarding based on the square footage of surface area of the pool [formerly required when pool is 1500 square feet or more] and instead based the guarding requirement on the age of users, requiring guarding when the pool is used by persons 16 years of age and under. For many of the pool facilities at private clubs, this will provide a relaxation of requirements. For others whose pools are less than 1500 square feet it will impose a new requirement to provide lifeguards whenever the pool is used by persons 16 and under. There is mitigation of this impact in that while lifeguards are preferred, the owner may allow use of attendants. The training requirements are much easier to meet. This requirement will impact an estimated 50 pools.
- The new proposal is to bring all pool barriers into conformance by June 2008, providing a four-year period to bring all pool barriers in to compliance. Pool barriers with six-inch wide vertical openings will no longer be allowed because 95% of children under the age of 9 are able to access the pool. Also, national studies have proven standard chain link fences and other similar construction create natural ladder type arrangements that small children are able to easily climb over and access the pool. The minimum barrier height change from 4 feet to 5 feet will decrease the accessibility of the barrier. This requirement will impact an estimated 790 pools.
- While entrapment issues are rare, their impacts are devastating and preventable. The single main drain pools in swimming pools, wading pools, and recirculating spray pools can create potential suction entrapment for users. Providing an emergency shut-off switch and audible alarm can provide protection to release a victim if they were entrapped in a main drain. This requirement will impact an estimated 2000 pools. This regulation will allow until June 2008 to provide this improvement.

There are many other modifications to the regulation that will have some impacts with the owners and users and we will work to provide information on any of these about which the board has questions. The above information is presented to provide the board with information on what we consider having the greatest controversy.

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